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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

|                           |   |                                 |
|---------------------------|---|---------------------------------|
| UNITED STATES OF AMERICA, | ) | No. CR-10-0626-DLJ              |
|                           | ) |                                 |
| Plaintiff,                | ) | STIPULATION AND <b>ORDER</b> TO |
|                           | ) | CONTINUE STATUS CONFERENCE      |
| v.                        | ) | AND EXCLUDE TIME UNDER THE      |
|                           | ) | SPEEDY TRIAL ACT                |
| OSWALDO GONZALEZ,         | ) |                                 |
|                           | ) |                                 |
| Defendant.                | ) |                                 |
| _____                     | ) |                                 |

IT IS HEREBY STIPULATED AND AGREED between the plaintiff through its attorney, Joshua Hill, and the defendant through his attorney, William DuBois, that the status hearing presently set for January 28, 2011, be continued to February 4, 2011 at 9:00 a.m. for change of plea. Defense counsel requires additional time to review the produced discovery and review the plea agreement with the defendant. The parties agree that the delay is not attributable to lack of diligent preparation on the part of the attorney for the government or defense counsel. For these reasons, the parties request that time under the Speedy Trial Act be excluded based on the defense's need for reasonable time necessary for effective preparation, taking into account the exercise of due diligence.

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STIPULATION AND [PROPOSED] ORDER  
CR-10-00898-PJH

1 The parties agree that the waiver covers all time between the date of this stipulation and  
2 February 4, 2011.

3 IT IS SO STIPULATED:  
4

5 Dated: January 24, 2011

/S/  
WILLIAM DUBOIS  
*Attorney for Defendant*


8 Dated: January 24, 2011

/S/  
JOSHUA HILL  
Assistant United States Attorney

11 **ORDER**

12 GOOD CAUSE HAVING BEEN SHOWN, it is hereby ordered that the hearing in this  
13 matter now scheduled for January 28, 2011 is hereby rescheduled for February 4, 2011 at 9:00  
14 a.m. for change of plea. Based upon the representation of counsel and for good cause shown, the  
15 Court also finds that failing to exclude the time between January 24, 2011 and February 4, 2011  
16 would unreasonably deny the defense the reasonable time necessary for effective preparation,  
17 taking into account the exercise of due diligence. 18 U.S.C. § 3161(h)(7)(B)(iv). The Court  
18 further finds that the ends of justice served by excluding the time between January 24, 2011 and  
19 February 4, 2011 from computation under the Speedy Trial Act outweigh the best interests of the  
20 public and the defendant in a speedy trial. Therefore, it is hereby ordered that the time between  
21 January 24, 2011 and February 4, 2011 shall be excluded from computation under the Speedy  
22 Trial Act. 18 U.S.C. §§ 3161(h)(7)(A) and (B)(iv).

24 DATED: January 28, 2011

  
HONORABLE D. LOWELL JENSEN  
United States District Court Judge